

Message Text

CONFIDENTIAL

PAGE 01 USUN N 03910 101630Z

53

ACTION IO-03

INFO OCT-01 ARA-10 EUR-10 EA-07 ISO-00 IOE-00 L-02 FRB-01

OMB-01 TAR-01 SP-02 SWF-01 AGR-03 AID-05 CIAE-00

COME-00 EB-03 INR-10 LAB-01 NSAE-00 OIC-01 RSC-01

SIL-01 STR-01 TRSE-00 CIEP-01 CEA-01 AF-04 NEA-06

EPA-01 SS-14 NSC-07 PA-01 PRS-01 USIA-04 DRC-01 /106 W

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P R 101455Z OCT 74

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 6206

INFO USMISSION GENEVA

USMISSION EC BRUSSELS

USMISSION OECD PARIS UNN

AMEMBASSY PARIS

AMEMBASSY MEXICO

AMEMBASSY LONDON

AMEMBASSY BONN

AMEMBASSY TOKYO

C O N F I D E N T I A L USUN 3910

E.O. 11652: GDS

TAGS: EGEN, UNCTAD, ETRD

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES

1. FREELAND (UK) TOLD USDEL THAT EC GATHERED THAT GROUP OF 77 WAS NEGOTIATING WITH GROUP D ("SOCIALISTS") ON A REVISION OF THE BRILLANTES FORMULA ON MFN AND NON-DISCRIMINATION WHICH WOULD TILT ARTS. 4 AND 26 OF DRAFT CHARTER IN A DIRECTION SOUGHT BY MOSCOW. EC ACCORDINGLY MADE VIGOROUS REPRESENTATIONS TO CASTANEDA, STATING THAT IT WAS PREPARED TO ADHERE TO THE EXACT TERMS OF THE BRILLANTES FORMULA ON THESE ARTICLES ACCEPTED IN MEXICO CITY BY ALL GROUPS EXCEPT GROUP D, BUT THAT, IF ANY CHANGES WERE MADE IN THESE ARTICLES, POSSIBILITIES OF EC

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03910 101630Z

SUPPORT OF THE CHARTER WOULD BE JEOPARDIZED.

2. FREELAND STATED THAT, IN RESPECT OF ART. 2, UK REMAINS DISPOSED TO ACCEPT IN EXTREMIS THE FORMULATION: "IN RESPECT OF THE FOREGOING RIGHTS, ALL STATES SHALL FULFIL IN GOOD FAITH THEIR INTERNATIONAL OBLIGATIONS, SHALL REFRAIN FROM ANY FORM OF COERCION AND SHALL OBSERVE THE PRINCIPLES SET FORTH IN CHAPTER I OF THIS CHARTER". HOWEVER, UK WOULD CONDITION SUCH AN ACCEPTANCE ON SATISFACTORY TREATMENT OF PROVISIONS ON RESPECT FOR INVESTMENT AGREEMENTS AND JUST COMPENSATION, WHICH IT DOES NOT EXPECT. USDEL INDICATED CONTINUING RESERVATIONS ABOUT COERCION PHRASE, CITING HICKENLOPER AMENDMENT. FREELAND IS WHOLLY UNDERSTANDING, AND WILL NOT, CERTAINLY AT THIS STAGE, ACCEPT THE COERCION PHRASE, THOUGH HE BELIEVES THAT EVEN THE US COULD ADEQUATELY RATIONALIZE IT. FREELAND BELIEVES THAT FRG AND FRANCE WILL CONTINUE TO PRESS FOR AN EXPRESS REFERENCE TO "INTERNATIONAL LAW" IN ART. 2, THOUGH KNOWING IT IS UNOBTAINABLE. WHEN SCHWEBEL REMARKED THAT HE HOPED THAT BONN AND PARIS WOULD DISPLAY LIKE PERTINACITY IF AND WHEN IT CAME TO VOTING, FREELAND REPLIED THAT ONE COULD NOT COUNT ON THAT, BUT THAT HIS OWN ESTIMATE IS THAT FRG AND FRANCE WILL JOIN USG IN VOTING NEGATIVELY IF THE CHARTER COMES TO A VOTE. HE SAID THAT FONOFF LAWYERS STRONGLY ARE PRESSING FOR A NEGATIVE VOTE, BUT THAT THE MATTER WOULD BE DECIDED AT HIGHER POLITICAL LEVELS. HE NOTED THAT UK ALONE HAD VOTED AGAINST UN RESOLUTIONS ON NON-INTERVENTION AND PERMANENT SOVEREIGNTY AND HAD SURVIVED. IMPORT OF HIS REMARKS WAS THAT, THOUGH HE BELIEVED USG SHOULD NOT AND WOULD NOT BE ISOLATED IN THIS CASE WERE IT TO VOTE NEGATIVELY, IT SHOULD HAVE THE COURAGE OF THE CONVICTIONS OF MOST OF GROUP B.

3. ARGENTINA, TO CHAGRIN OF MEXICAN DEL, HAS ANNOUNCED THAT IT IS DISSATISFIED WITH COMPROMISE ON ENVIRONMENT ARRIVED AT IN GENEVA IN SEPTEMBER. IT PREFERS ORIGINAL STOCKHOLM LANGUAGE, ON NO REFERENCE TO INTERNATIONAL NORMS AT ALL. USDEL HAS RESPONDED TO ARGENTINE INQUIRIES BY SAYING THAT IT TOO PREFERS EXACT STOCKHOLM LANGUAGE; THAT IT ACCEPTED THE GENEVA COMPROMISE, WHICH IT REGARDS AS ADEQUATE SYNONYM; THAT IT IS PREPARED TO STICK BY THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03910 101630Z

GENEVA COMPROMISE AND WOULD NOT JOIN IN REOPENING IT; BUT THAT, IF ARGENTINA CAN PERSUADE G-77 TO ACCEPT THE PRECISE STOCKHOLM LANGUAGE, WE WOULD BE DELIGHTED.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, CHARTER OF ECONOMIC RIGHTS & DUTIES, NEGOTIATIONS, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 10 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN03910
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740288-0620
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741054/aaaabugy.tel
Line Count: 111
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 04 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 APR 2002 by boyleja>; APPROVED <29 JUL 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CHARTER OF ECONOMIC RIGHTS AND DUTIES
TAGS: EGEN, ETRD, UK, AR, UNCTAD, GROUP OF 77
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005